

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

SHERYL WULTZ, et al.,

Plaintiffs,

v.

THE ISLAMIC REPUBLIC OF IRAN,

BANK OF CHINA LIMITED,

et al.,

Defendants.

---

Civil Action No. 1:08-cv-01460 (RCL)

**UNOPPOSED MOTION OF DEFENDANT BANK OF CHINA LIMITED  
FOR EXTENSION OF TIME TO RESPOND TO THE FIRST AMENDED  
COMPLAINT AND TO SET BRIEFING SCHEDULE FOR MOTION TO DISMISS**

Defendant Bank of China Limited (“BOC”), through undersigned counsel, moves the Court, pursuant to Federal Rule of Civil Procedure 7(b) and LCvR 7: (i) for an extension of time, until and including March 5, 2009, of BOC’s time to respond to the First Amended Complaint (“FAC”) filed on January 13, 2009 (Dkt. #12); and (ii) to set a briefing schedule as set forth below on BOC’s motion to dismiss the FAC. In support of this motion, BOC respectfully states:

1. This action was commenced by the filing of the Complaint on August 22, 2008.
2. BOC was served with a summons and a copy of the Complaint on December 9, 2008.
3. On December 29, 2008, BOC filed its Motion to Dismiss the Complaint (Dkt. #3).
4. Pursuant to an agreed extension to respond to the Motion to Dismiss, plaintiffs filed their FAC on January 13, 2009 (Dkt. #12).

5. BOC intends to move to dismiss the FAC. Absent an extension, BOC's response to the FAC would be due on or about February 2, 2009, pursuant to Fed. R. Civ. P. 15(a)(3).

6. Counsel for BOC require additional time to prepare their motion to dismiss the FAC, including consultation with BOC to finalize the motion. Like other Chinese businesses, BOC headquarters in China will be closed during the last week in January to observe the Lunar New Year and Spring Festival, hampering communications between BOC and its U.S. counsel. Further, counsel require additional time to address changes in plaintiffs' allegations between their original Complaint and the FAC.

7. BOC counsel Walter P. Loughlin has conferred with plaintiffs' counsel Robert J. Tolchin about the requested extension. We are authorized to state that plaintiffs do not oppose BOC's request for an extension of time if the Court approves the following agreed schedule for briefing of BOC's motion to dismiss the FAC:

- (a). BOC's motion to dismiss the FAC to be filed March 5, 2009.
- (b). Plaintiffs' response to BOC's motion to dismiss the FAC to be filed forty-five (45) days thereafter, on April 20, 2009.
- (c). BOC's reply in support of its motion to dismiss the FAC to be filed twenty-one (21) days thereafter, on May 11, 2009.

**Conclusion**

For the foregoing reasons, Defendant Bank of China Limited respectfully submits that this motion should be granted and that the Court should extend, until and including March 5, 2009, Bank of China's time to respond to the First Amended Complaint, and should enter a briefing schedule on Bank of China's motion to dismiss the First Amended Complaint as set forth herein.

Dated: January 27, 2009

Respectfully submitted,

**K&L GATES LLP**

Walter P. Loughlin  
599 Lexington Avenue  
New York, New York 10022-6030  
Telephone: (212) 536-3900  
Facsimile: (212) 536-3901

David T. Case  
1601 K Street, NW  
Washington, DC 20006-1600  
Telephone: (202) 778-9084  
Facsimile: (202) 778-9100

- and -

**PATTON BOGGS LLP**

By:



Mitchell R. Berger (D.C. Bar No. 385467)  
2550 M Street, N.W.  
Washington, D.C. 20037  
Tel: (202) 457-5601  
Fax: (202) 457-6315

*Counsel for Defendant Bank of China Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 27, 2009, a copy of the foregoing Unopposed Motion of Defendant Bank of China Limited for Extension of Time to Respond to the First Amended Complaint and to Set Briefing Schedule for Motion to Dismiss, and accompanying proposed Order, were filed through the Court's electronic filing system, providing service on counsel of record for the parties who have entered an appearance in this action.

By   
MITCHELL R. BERGER